

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

PAUL W. PERRY, JR.,

*Plaintiff,*

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

*Defendant.*

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Case No. 4:10-cv-51  
Judge Mattice

**ORDER**

United States Magistrate Judge Susan K. Lee filed her report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) on July 18, 2011 [Court Doc. 21.] Neither party filed objections within the given 14 days.

After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Commissioner's Motion for Summary Judgment [Court Doc. 19] is **DENIED**. Plaintiff's Motion for Judgment on the Pleadings [Court Doc. 13] is **GRANTED** to the extent it seeks remand of Plaintiff's claim for benefits. The Commissioner's decision denying benefits is **REVERSED** and the instant action is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk shall close the case.

**SO ORDERED** this 5th day of August, 2011.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE